testing for receiving water monitoring similar to the effluent accelerated monitoring specified in Monitoring and Reporting Program CI 4424, section VI.4.B.d. If two of the six tests exceed 1.0 TU_c, the Discharger shall initiate a TIE and implement the Initial Investigation TRE Workplan, as specified in Section I.A.13 of this Order.

d. The Discharger shall conduct chronic toxicity monitoring as specified in MRP No. 4424.

II. SLUDGE REQUIREMENTS

A. The Discharger shall comply with the requirements of 40 CFR, Part 503, in general, and in particular the requirements in Attachment B of this Order, [*Biosolids Use and Disposal Requirements*]. These requirements are enforceable by the USEPA.

B. The Discharger shall comply, if applicable, with the requirements in State issued statewide general Waste Discharge Requirements (WDRs) Order No. 2000-10-DWQ, titled "General Waste Discharge Requirements for the Discharge of Biosolids to Land for use as a soil Amendment in Agricultural, Silvicultural and Horticultural and Land Reclamation Activities" adopted in August 2000.

C. The Discharger shall furnish this Regional Board with a copy of any report submitted to USEPA, State Board or other regional board with respect to municipal sludge or biosolids.

III. PRETREATMENT REQUIREMENTS

A. This Order includes the City's approved pretreatment program as an enforceable condition. The City is required to implement and enforce the pretreatment program in its entire service area, including any contributing jurisdictions, if applicable.

B. The City shall submit to the Regional Board technologically based local limits for Regional Board approval by May 10, 2007. In the development of the local limits, the City shall consider the effluent limitations contained in this Order. In addition, the City shall consider collection system overflow protection from such constituents as oil and grease, etc. Lack of adequate local limits shall not be a defense against liability for violations of effluent limitations and overflow prevention requirements contained in this Order.

C. Any substantial modifications to the approved pretreatment program, as defined in 40 CFR 403.18(b), shall be submitted in writing to the Regional Board and shall not become effective until Regional Board approval is obtained.

D. The Discharger shall perform the pretreatment functions as required in Federal Regulations 40 CFR, Part 403 including, but not limited to:

1. Implement the necessary legal authorities as provided in 40 CFR 403.8(f)(1);

2. Enforce the pretreatment requirements under 40 CFR 403.5 and 403.6;

3. Implement the programmatic functions as provided in 40 CFR 403.8(f)(2); and,

4. Provide the requisite funding and personnel to implement the Pretreatment Program as provided in 40 CFR 403.8(f)(3).

E. The Discharger shall submit semiannual and annual reports to the Regional Board, and USEPA, Region 9, describing the Discharger's pretreatment activities over the period. The annual and semiannual reports (and quarterly reports, if required) shall contain, but not be limited to, the information required in the attached *Pretreatment Reporting Requirements* (Attachment P), or an approved revised version thereof. If the Discharger is not in compliance with any conditions or requirements of this Order, the Discharger shall include the reasons for noncompliance and shall state how and when the Discharger will comply with such conditions and requirements.

F. The Discharger shall be responsible and liable for the performance of all control authority pretreatment requirements contained in 40 CFR, Part 403, including subsequent regulatory revisions thereof. Where Part 403 or subsequent revision places mandatory actions upon the Discharger as Control Authority but does not specify a timetable for completion of the actions, the Discharger shall complete the required actions within six months from the effective date of this Order or the effective date of Part 403 revisions, whichever comes later. For violations of pretreatment requirements, the Discharger shall be subject to enforcement actions, penalties, fines, and other remedies by the Regional Board, USEPA, or other appropriate parties, as provided in the Federal Clean Water Act. The Regional Board or USEPA may initiate enforcement action against an industrial user for noncompliance with acceptable standards and requirements as provided in the Federal Clean Water Act and/or the California Water Code.

IV. REQUIREMENTS AND PROVISIONS

A. Discharge of wastes to any point other than specifically described in this Order and permit is prohibited and constitutes a violation thereof.

B. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and all

federal regulations established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, 316, 403 and 405 of the Federal Clean Water Act and amendments thereto.

C. This Order includes the attached "Standard Provisions and General Monitoring and Reporting Requirements" (Attachment N). If there is any conflict between provisions stated hereinbefore and the attached "Standard Provisions", those provisions stated herein prevail.

D. This Order includes the attached Monitoring and Reporting Program (Attachment T). If there is any conflict between provisions stated in the Monitoring and Reporting Program and the "Standard Provisions" (Attachment N), those provisions stated in the Monitoring and Reporting Program prevail.

E. Compliance Determination

1. Compliance with single constituent effluent limitation – If the concentration of the pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reported Minimum Level (see Reporting Requirement III. 1 of MRP), then the Discharger is out of compliance.

2. Compliance with monthly average limitations - In determining compliance with monthly average limitations, the following provisions shall apply to all constituents:

   a. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, does not exceed the monthly average limit for that constituent, the Discharger has demonstrated compliance with the monthly average limit for that month.

   b. If the analytical result of a single sample, monitored monthly, quarterly, semiannually, or annually, exceeds the monthly average limit for any constituent, the Discharger shall collect four additional samples at approximately equal intervals. All five analytical results shall be reported in the monitoring report for that month, or the subsequent month.

   c. When all sample results are greater than or equal to the reported Minimum Level (see Reporting Requirement III. 1. of MRP), the numerical average of the analytical results of these five samples will be used for compliance determination.

   d. When one or more sample results are reported as "Not-Detected (ND)" or "Detected, but Not Quantified (DNQ)" (see Reporting Requirement III. 4. of *M&RP*), the median value of these four samples shall be used

for compliance determination. If one or both of the middle values is ND or DNQ, the median shall be the lower of the two middle values.

e. In the event of noncompliance with a monthly average effluent limitation, the sampling frequency for that constituent shall be increased to weekly and shall continue at this level until compliance with the monthly average effluent limitation has been demonstrated.

f. If only one sample was obtained for the month or more than a monthly period and the result exceeds the monthly average, then the Discharger is in violation of the monthly average limit.

3. Compliance with effluent limitations expressed as a sum of several constituents – If the sum of the individual pollutant concentrations is greater than the effluent limitation, then the Discharger is out of compliance. In calculating the sum of the concentrations of a group of pollutants, consider constituents reported as ND or DNQ to have concentrations equal to zero, provided that the applicable ML is used.

4. Compliance with effluent limitations expressed as a median – in determining compliance with a median limitation, the analytical results in a set of data will be arranged in order of magnitude (either increasing or decreasing order); and

a. If the number of measurements (n) is odd, then the median will be calculated as = $X_{(n+1)/2}$, or

b. If the number of measurements (n) is even, then the median will be calculated as = $[X_{n/2} + X_{(n/2)+1}]/2$, i.e. the midpoint between the n/2 and n/2+1 data points.

Consecutive exceedances of the coliform 7-day median effluent limitation, which take place within a calendar week and result from a single operational upset, shall be treated as a single violation.

F. In calculating mass emission rates from the monthly average concentrations, use one half of the method detection limit for "Not Detected" (ND) and the estimated concentration for "Detected, but Not Quantified" (DNQ) for the calculation of the monthly average concentration. To be consistent with section II.E.3., if all pollutants belonging to the same group are reported as ND or DNQ, the sum of the individual pollutant concentrations should be considered as zero for the calculation of the monthly average concentration.

G. Best Management practices and Pollution Prevention

1. Spill Contingency Plan (SCP)

The Discharger shall maintain a SCP for the Burbank WRP and its sanitary sewage collection system in an up-to-date condition and shall amend the SCP whenever there is a change (e.g. in the design, construction, operation, or maintenance of the sewage system or sewage facilities) which materially affects the potential for spills. The Discharger shall review and amend the SCP as appropriate after each spill from the Burbank WRP or in the service area of the Facility. Upon request of the Regional Water Board, the Discharge shall submit the SCP and any amendments to the Regional Water Board. The Discharger shall ensure that the up-to-date SPC is readily available to the sewage system personnel at all times and that the sewage system personnel are familiar with it.

2. Pollutant Minimization Program (PMP)

The Discharger shall be required to develop a PMP as further described below when there is evidence (e.g., sample results reported as DNQ when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods required by this Order, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) that a pollutant is present in the effluent above an effluent limitation and either:

(a) The concentration of the pollutant is reported as DNQ and the effluent limitation is less than the reported ML; or

(b) The concentration of the pollutant is reported as ND and the effluent limitation is less than the MDL.

The goal of the PMP shall to reduce all potential sources of a pollutant through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost-effectiveness when establishing the requirements of a PMP. The completion of a Pollution Prevention Plan, if required pursuant to CWC Section 13263.3(d), shall be considered to fulfill the PMP requirements.

The PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:

(a) An annual review and semi-annual monitoring of potential sources of the reportable pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;

(b) Quarterly monitoring for the reportable pollutant(s) in the influent to the wastewater treatment system;

(c) Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable pollutant(s) in the effluent at or below the effluent limitation;

(d) Implementation of appropriate cost-effective control measures for the reportable pollutant(s), consistent with the control strategy; and

(e) An annual status report that shall be sent to the Regional Water Board including:

(i) All PMP monitoring results for the previous year;

(ii) A list of potential sources of the reportable pollutant(s);

(iii) A summary of all actions undertaken pursuant to the control strategy; and

(iv) A description of actions to be taken in the following year.

H. **Construction, Operation and Maintenance Specification**

1. Wastewater treatment facilities subject to this Order shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Chapter 3, Subchapter 14, Title 23 of the California Code of Regulations (Section 13625 of the California Water Code).

2. The Discharger shall maintain in good working order a sufficient alternate power source for operating the wastewater treatment and disposal facilities. All equipment shall be located to minimize failure due to moisture, liquid spray, flooding, and other physical phenomena. The alternate power source shall be designed to permit inspection and maintenance and shall provide for periodic testing. If such alternate power source is not in existence, the discharger shall halt, reduce, or otherwise control all discharges upon the reduction, loss, or failure of the primary source of power.

I. Spill Reporting Requirements

1. The Discharger shall develop and maintain a record of all spills, overflows or bypasses of raw or partially treated sewage from its collection system or treatment plant. This record shall be made available to the Regional Water Board upon request and a spill summary shall be included in the annual summary report. The reports shall provide:

   (a) the date and time of each spill, overflow or bypass;

   (b) the location of each spill, overflow or bypass;

   (c) the estimated volume of each spill, overflow or bypass including gross volume, amount recovered and amount not recovered;

   (d) the cause of each spill, overflow or bypass;

   (e) whether each spill, overflow or bypass entered a receiving water and, if so, the name of the water body and whether it entered via storm drains or other man-made conveyances;

   (f) mitigation measures implemented; and

   (g) corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences.

2. For certain spills, overflows and bypasses, the Discharger shall make reports and conduct monitoring as required below:

   (a) For any spills or overflows of any volume, discharged where they are, or will probably be discharged, to waters of the State, the Discharger shall immediately notify the local health agency in accordance with the California Health and Safety Code section 5411.5.

   (b) For spills, overflows or bypasses of any volume that flowed to receiving waters or entered a shallow ground water aquifer or has public exposure, the Discharger shall report such spills to the Regional Water Board, by telephone or electronically as soon as possible but not later than 24 hours of knowledge of the incident. The following information shall be included in the report: location; date and time of spill; volume and nature of the spill; cause(s) of the spill; mitigation measures implemented; and corrective measures implemented or proposed to be implemented to prevent/minimize future occurrences.

(c) For any spills or overflows of 1000 gallons or more discharged where they are, or probably will be discharged to waters of the State, the Discharger shall immediately notify the State Office of Emergency Services pursuant to Water Code section 13271.

(d) For spills, overflows or bypasses of any volume that reach receiving waters, the Discharger shall obtain and analyze grab samples for total and fecal coliforms or E. coli, and enterococcus, and relevant pollutants of concern, upstream and downstream of the point of entry of the spill (if feasible, accessible and safe) in order to define the geographical extent of impact of the spill. This monitoring shall be on a daily basis from time the spill is known until the results of two consecutive sets of bacteriological monitoring indicate the return to the background level or cessation of monitoring is authorized by the County Department of Health Services.

(e) For spills, overflows or bypasses of any volume that flowed to receiving waters or entered a shallow ground water aquifer, and all spills, overflows and bypasses of 1,000 gallons or more, the Discharger shall analyze a grab sample of the spill or overflow for total and fecal coliforms or E. coli, and enterococcus, and relevant pollutants of concern depending on the area and nature of spills or overflows if feasible, accessible and safe.

(f) The Regional Water Board notification shall be followed by a written preliminary report five working days after verbal notification of the incident. Within 30 days after submitting preliminary report, the Discharger shall submit the final written report to this Regional Water Board. (A copy of the final written report, for a given incident, already submitted pursuant to a Statewide General Waste Discharge Requirements for Wastewater Collection System Agencies, may be submitted to the Regional Board to satisfy this requirement.) The written report shall document the information required in subparagraphs (b), (d), and (e) above, monitoring results and any other information required in provisions of the Standard Provisions document. An extension for submittal of the final written report can be granted by the Executive Officer for just cause.

In addition, Regional Board expects that the municipal departments that have responsibilities to implement: (i) this NPDES permit, including pretreatment program, (ii) a MS4 NPDES permit that may contain spill prevention, sewer maintenance, reporting requirements and (iii) the SSO WDR will coordinate their compliance activities for consistency and efficiency.

J. The Clean Water Act prohibits the discharge of pollutants from point sources to surface waters of the United States unless authorized under a NPDES permit.

(33 U.S.C. §§1311, 1342). The State Board adopted General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems, (WQ Order No. 2006-0003) on May 2, 2006, to provide a consistent, statewide regulatory approach to address Sanitary Sewer Overflows (SSOs). The WDR requires public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans and report all SSOs to the State Water Board's online SSO database.

The requirements contained in this Order in Sections IV.G.2, IV.H, and IV.I are intended to be consistent with the requirements of the SSO WDR. The Regional Board recognizes that there may be some overlap between the NPDES permit provisions and SSO WDR requirements. The requirements of the SSO WDR are considered the minimum thresholds (see Finding 11 of WQ Order No. 2006-0003). The Regional Board will accept the documentation prepared by the Permittees under the SSO WDR for compliance purposes, as satisfying the requirements in Sections IV.G.2, IV.H, and IV.I, provided any more specific or stringent provisions enumerated in this Order, have also been addressed.

K. The Discharger shall provide standby or emergency power facilities and/or storage capacity or other means so that in the event of plant upset or outage due to power failure or other cause, discharge of raw or inadequately treated sewage does not occur.

L. The Discharger shall protect the facility from inundation, which could occur as a result of a flood having a predicted frequency of once in 100 years.

M. The Discharger shall comply with all applicable water quality objectives for the receiving waters of the Burbank Western Channel and the Los Angeles River, including the toxic criteria in 40 CFR, Part 131.36, as specified in this permit.

N. The Discharger shall comply with the requirements of the State Board's General NPDES Permit No. CAS000001 and *Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities* (Order No. 97-03-DWQ) by continuing to implement a SWPPP and conducting the required monitoring.

O. The Discharger may plan to conduct studies to obtain data in support of developing site-specific objectives for bis(2-ethylhexyl)phthalate, mercury, dibromochloromethane, dichlorobromomethane, and lindane (gamma-BHC) for the protection of human health from the consumption of organisms; and, chromium VI, or selenium for protection of aquatic life. If the Discharger chooses to conduct such studies, then they shall submit to Regional Board staff a detailed work plan for these studies. The work plan shall provide a schedule consistent with Effluent Limitation I.A.9.a for development and adoption of site-specific objectives for these constituents.

P. Within 60 days following the effective date of this Order, the Discharger shall submit, to the Regional Board for EO approval, a workplan for a proposed groundwater monitoring well system.

V. REOPENERS AND MODIFICATIONS

A. This Order may be reopened and modified, in accordance with SIP section 2.2.2.A to incorporate the results of revised reasonable potential analyses to be conducted upon receipt of additional data from the interim monitoring program.

B. This Order may be modified, in accordance with the provisions set forth in 40 CFR, Parts 122 and 124 to include requirements for the implementation of the watershed protection management approach.

C. The Board may modify, or revoke and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have the potential to cause, or will contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters.

D. This Order may also be modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR, Parts 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, endangerment to human health or the environment resulting from the permitted activity, or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the District for an Order modification, revocation and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

E. This Order may be modified, in accordance with the provisions set forth in 40 CFR, Parts 122 to 124, to include new MLs.

F. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of a water quality objective, or the adoption of a TMDL for the Los Angeles River Watershed.

G. This Order may be reopened and modified, to revise effluent limitations as a result of the delisting of a pollutant from the 303(d) list.

H. This Order may be reopened and modified to revise the chronic toxicity effluent limitation, to the extent necessary, to be consistent with State Board precedential decisions, new policies, new laws, or new regulations.

I. This Order may be reopened to modify final effluent limits, if at the conclusion of necessary studies conducted by the Discharger, the Regional Board determines that dilution credits, attenuation factors, water effect ratios, or metal translators are warranted.

J. This Order may be reopened and modified to revise the residual chlorine final effluent limit, to the extent necessary, to be consistent with State Board's *Chlorine and Chlorine-Produced Oxidants Policy of California*, following the completion of the approval process of that document by OAL and USEPA.

VI. EXPIRATION DATE

This Order expires on October 10, 2011.

The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

VII. RESCISSION

Order No. 98-052, adopted by this Regional Board on June 29, 1998 is hereby rescinded, except for enforcement purposes. This rescission is dependent upon and relative to the issuance and enforceability of this Order, to the extent any provisions, limitations, or requirements set forth in this Order supercede analogous provisions, limitations, or requirements in Order No. 98-052, are stayed or deemed to be unenforceable, the relevant provisions, limitations, or requirements of Order No. 98-052 shall remain enforceable.

I, Jonathan S. Bishop, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on November 9, 2006.

Jonathan S. Bishop
Executive Officer

/AVCA

FIGURE 1
MAP

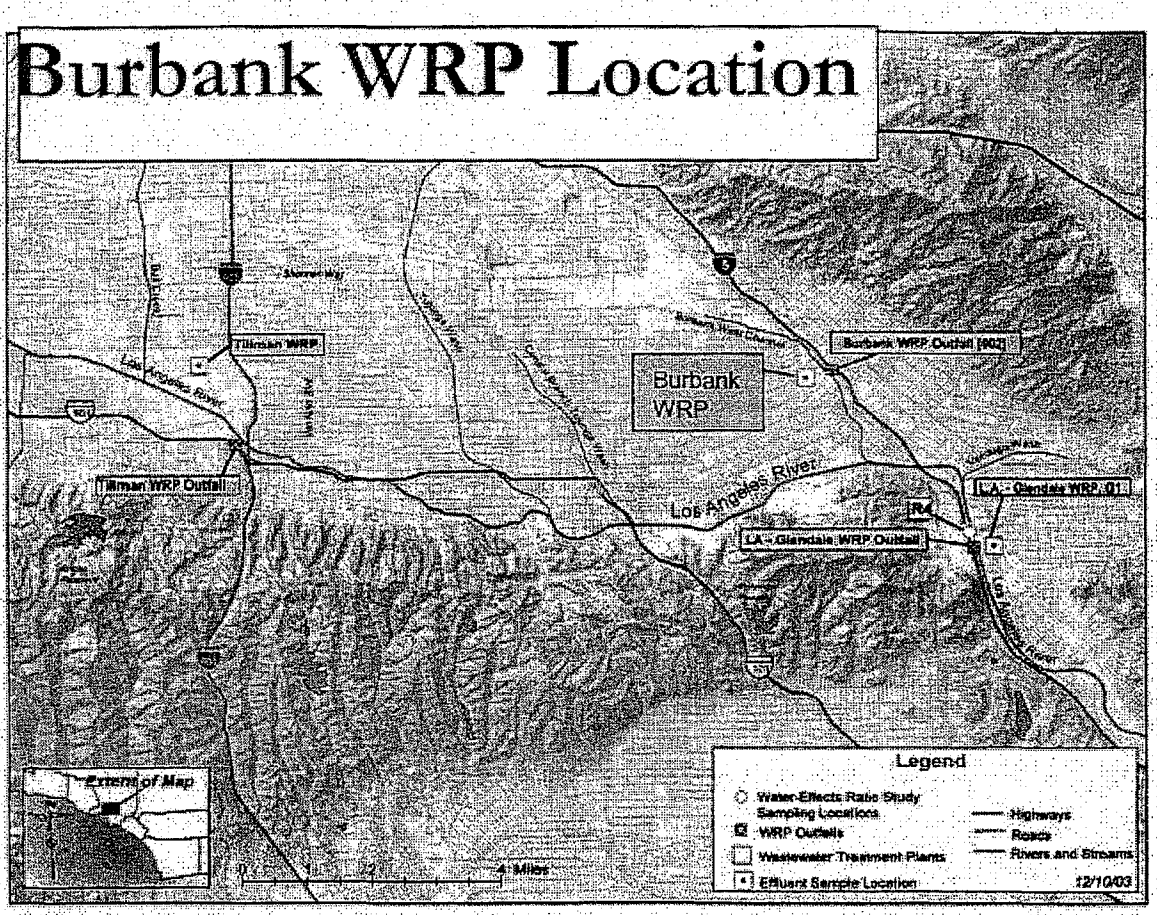

Burbank WRP Location
Burbank WRP
Burbank WRP Outfall [002]
Tillman WRP
Tillman WRP Outfall
Los Angeles River
LA - Glendale WRP Outfall
LA - Glendale WRP 01
Legend
Water Effects Ratio Study Sampling Locations
WRP Outfalls
Wastewater Treatment Plants
Effluent Sample Location
Highways
Roads
Rivers and Streams
12/10/03
Extent of Map
Miles

FIGURE 2-A

EXISTING WASTEWATER PROCESS DIAGRAM

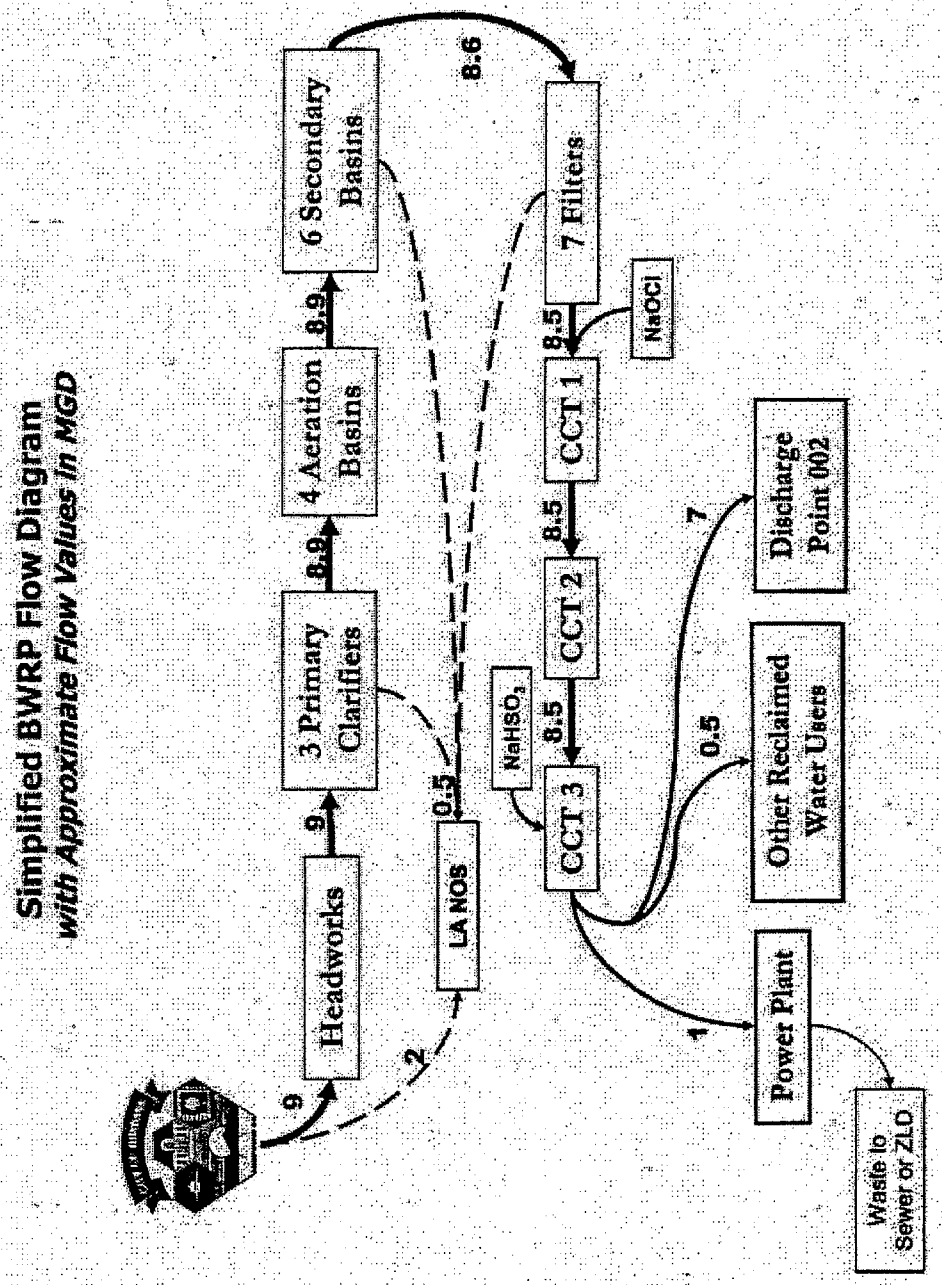


FIGURE 2-B
FUTURE WASTEWATER PROCESS DIAGRAM
SHOWING PROPOSED CHANGES

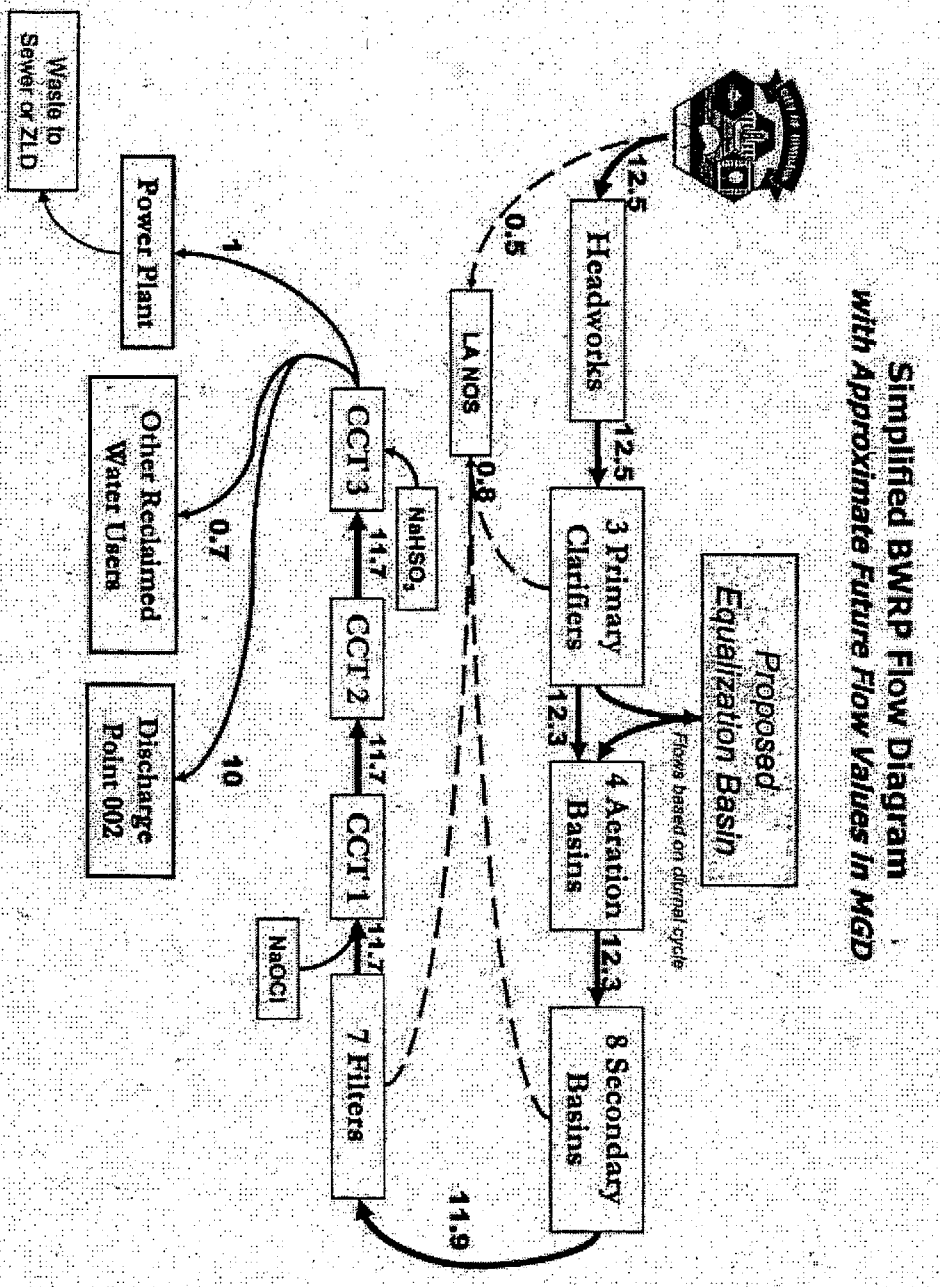
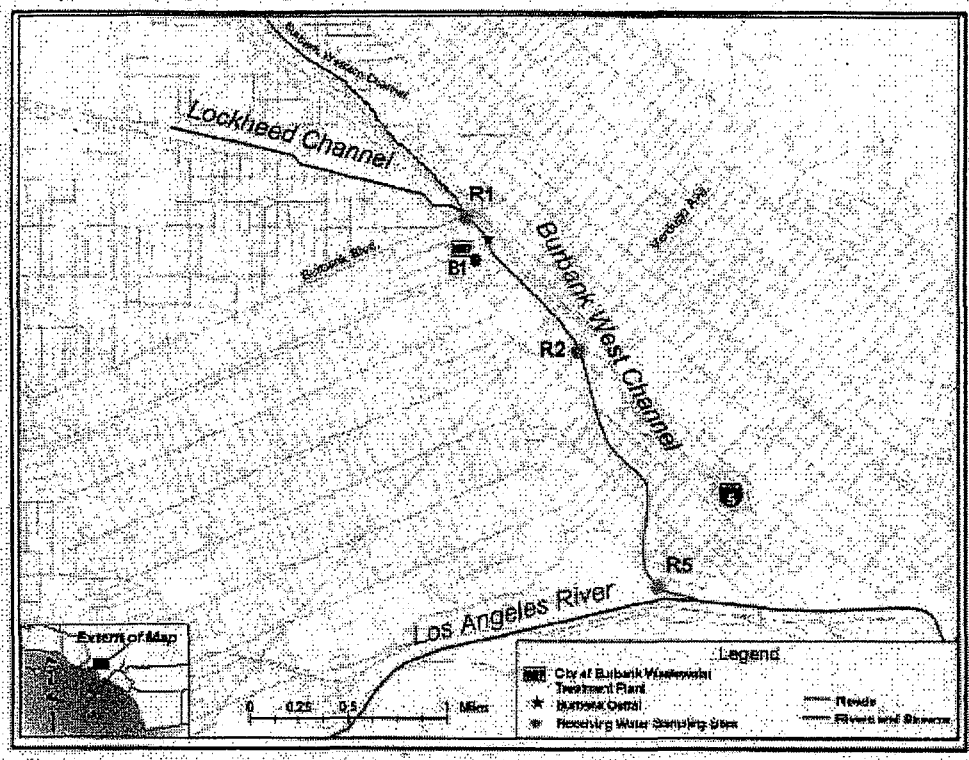


FIGURE 3
RECEIVING WATER STATION MAP



ATTACHMENT F

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION
320 West 4th Street, Suite 200, Los Angeles

FACT SHEET

WASTE DISCHARGE REQUIREMENTS FOR CITY OF BURBANK (BURBANK WATER RECLAMATION PLANT)

NPDES No. CA0055531
Public Notice No. : R4-2006-049

FACILITY ADDRESS	FACILITY MAILING ADDRESS
Burbank Water Reclamation Plant	City of Burbank
740 North Lake Street	740 North Lake Street
Burbank, California	Burbank, CA 91510-6459
	Contact: Rodney Andersen
	Telephone: (818) 238-3931

I. Public Participation

1. The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for the above-referenced facility. As an initial step in the WDR process, the Regional Board staff has developed tentative WDRs. The Regional Board encourages public participation in the WDR adoption process.

A. Public Comment Period

The staff determinations are tentative. Interested persons are invited to submit written comments on the tentative WDRs for the City of Burbank's (the City or Discharger), Burbank Water Reclamation Plant (Burbank WRP). Comments should be submitted either in person or by mail to:

Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

To be fully responded to by staff and considered by the Regional Board, written comments regarding the revised tentative Order should be received at the Regional Board offices by 5:00 p.m. on October 18, 2006.

B. Public Hearing

The Regional Board will hold a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: November 9, 2006
Time: 9:00 a.m.
Location: Council Chambers
Metropolitan Water District of Southern California, Board Room
700 N. Alameda Street
Los Angeles, California

Interested persons are invited to attend. At the public hearing, the Regional Board will hear testimony, if any, pertinent to the discharge, WDRs, and permit. Oral testimony will be heard; however, for accuracy of the record, important testimony should be in writing.

Please be aware that dates and venues may change. Our web address is www.waterboards.ca.gov/losangeles where you can access the current agenda for changes in dates and locations.

C. Information and Copying

Copies of the tentative WDRs and NPDES permit, report of waste discharge, Fact Sheet, comments received, and other documents relative to this tentative WDRs and permit are available at the Regional Board office. Inspection and/or copying of these documents are by appointment scheduled between 8:00 a.m. and 4:50 p.m., Monday through Friday, excluding holidays. For appointment, please call the Los Angeles Regional Board at (213) 576-6600.

D. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding this NPDES permit should contact the Regional Board, reference this facility, and provide a name, address, and phone number.

E. Waste Discharge Requirements Appeals

Any aggrieved person may petition the State Water Resources Control Board to review the decision of the Regional Board regarding the final WDRs. The petition must be submitted within 30 days of the Regional Board's action to the following address:

State Water Resources Control Board
Office of Chief Counsel
ATTN: Elizabeth Miller Jennings
P.O. Box 100

Sacramento, CA 95812

II. PURPOSE OF ORDER

The City discharges tertiary-treated wastewater, from the Burbank WRP under Order No. 98-052, adopted by this Regional Board on June 29, 1998, which superceded Order No. 96-050. Order No. 98-052 also serves as a permit under the National Pollutant Discharge Elimination System (NPDES No. CA0055531).

The Discharger's permit was administratively extended beyond the May 10, 2003, expiration date. On September 28, 2001, the City filed an incomplete Report of Waste Discharge (ROWD) and applied to the Regional Water Quality Control Board (Regional Board) for reissuance of waste discharge requirements (WDRs) and a NPDES permit to discharge tertiary-treated wastewater, cooling tower blowdown, boiler blowdowm water, stormwater, and demineralizer water. Therefore, the Discharger's permit has been administratively extended until the Regional Board acts on the new WDR and permit. On July 2, 2002, the City submitted a complete ROWD. On August 2005, the Discharger met with Regional Board staff and, through a presentation, provided updated information to assist in the permit renewal process. On November 22, 2005, the Regional Board received a letter from the City, dated November 8, 2005, transmitting additional information. This WDR and NPDES permit will expire on October 10, 2011.

LITIGATION HISTORY

On December 2, 1998, the City of Burbank filed a petition with the State Board for a stay of Order No. 98-052. The State Board dismissed the City of Burbank's petition for review ~~of~~ and its request for a stay.

On December 23, 1999, the City of Burbank filed a Petition for a Writ of Mandate and application for stay challenging their permit (Order No. 98-052) and their Time Schedule Order. On December 29, 1999, the Court issued a stay of the following 31 contested effluent limits contained in Order No. 98-052 for the Burbank WRP: ammonia nitrogen, arsenic, bis(2-ethylhexyl)phthalate, bromodichloromethane, bromoform, cadmium, chloroform, chromium VI, copper, cyanide, 2,4-D, detergents, dibromochloromethane, 1,4-dichlorobenzene, 1,2-dichloroethane, endrin, ethylbenzene, iron, lead, lindane, mercury, methylene chloride, nickel, selenium, silver, 2,4,5-TP (Silvex), tetrachloroethylene, toluene, total phosphates, total residual chlorine, and zinc.

In April 2000, the City of Burbank tried to amend it's Petition to Writ of Mandate and the Judicial Stay to expand the list of stayed effluent limits to include the following effluent limitations: acute toxicity, chronic toxicity, coliform, manganese, nitrite + nitrate-N, and turbidity. The City also tried to delete ammonia nitrogen from the list of constituents because it was incorrectly included in the appeal. However, the court denied the City of Burbank's requests to modify the original list of 31 constituents under appeal.

On August 21, 2000, the City of Burbank filed a complaint for declaratory and injunctive relief with the United States District Court, Central District of California, Western Division, *City of Los Angeles, City of Burbank, City of Simi Valley, and County Sanitation Districts of Los Angeles County, by and through their agent County Sanitation District Number 2 of Los Angeles County vs. United States Environmental Protection Agency, and Alexis Strauss,*

Director, Water Division, United States Environmental Protection Agency, Region IX [Case No. BS 060 960]. The matter went before the court on August 31 and September 1, 2000 with a final decision overturning portions of USEPA's partial approval letter of May 26, 2000 related to the conditional potential MUN (p* MUN) beneficial use for surface waters.

On November 30, 2000, the Superior Court of the State of California filed its Decision on the Submitted matter [Case No. BS *060 960*] and ordered counsel for the petitioner to prepare, serve, and lodge a proposed Statement of Decision, Judgement and Writ, on or before December 14, 2000. Respondents were given until December 28, 2000, to serve and file objections. Respondents filed objections on January 19, 2001, and Petitioners lodged a revised proposed Statement of Decision, Judgement of Writ, and a response to Respondent's objections on February 13, 2001.

On April 4, 2001, the Superior Court of the State of California signed and filed its Statement of Decision, ordering that judgement be entered granting the Petitioners' petition for a Writ of Mandamus, commanding the Respondents to vacate the Contested Effluent Limits, and ordering the adoption of new effluent limits at a new hearing.

In its December 24, 2002, opinion, the Court of Appeal unanimously reversed the trial court decision; and, made the following determinations:

a. Cost Issues - For existing objectives, water quality-based effluent limitations (WQBELs) must be developed without reference to costs and Clean Water Act (CWA) Section 301(b)(1)(C) does apply to POTWs. (POTWs are not exempt from WQBELS.)

b. CEQA Requirements – The Environmental Impact Report (EIR) exemption in Section 13389 of the Water Code means that "CEQA imposes no additional procedural or substantive requirements" other than compliance with the CWA and Porter-Cologne Act. (NPDES permits are exempt from CEQA.)

c. Compliance Schedules - Compliance schedules may be included within a NPDES permit only if the applicable water quality standards permit it. (Compliance schedules must be contained in a Time Schedule Order or similar enforcement document if the Basin Plan does not allow the inclusion of compliance schedules in a NPDES permit.)

d. Narrative Toxicity - The Regional Board's narrative toxicity objective which was upheld does not violate 40 CFR 131.11(a)(2). (The narrative standard can remain in NPDES permits as an effluent limitation.)

Although the Court of Appeal decided in favor of the State Board on every issue they appealed, the December 24, 2002, decision was not certified for publication at that time.

On August 14, 2003, the Court of Appeal of the State of California, Second Appellate District, Division three, certified its December 24, 2002, opinion for partial publication. The importance of the August 14, 2003, decision is that the outcome of the *City of Burbank v. State Water Resources Control Board* case could then be cited. The City subsequently filed a petition with the California Supreme Court.

On November 19, 2003, the Supreme Court granted the petition for review filed by the Cities of Burbank and Los Angeles. The opening brief on the merits was filed December 19, 2003.

On April 4, 2005, the California Supreme Court issued its decision, affirming the judgement of the Court of Appeal, reinstating the wastewater discharge permits to the extent that the specified numeric limitations on chemical pollutants are necessary to satisfy federal Clean Water Act requirements for treated wastewater.

Ordinarily the Court's decision would become final 30 days after issuance (i.e., it would have become final on May 4, 2005); however, both the water boards and the cities filed petitions for rehearing.

The Supreme court reviewed the petitions for rehearing and remanded one remaining issue back to the trial court for resolution. The trial court was determine whether or not the permit restrictions were "more stringent" than required by federal law.

On June 28, 2006, the judge signed the statement of decision, which found that the following constituents had numeric effluent limitations more stringent than required to meet the federal law existing at the time that the Regional Board adopted the NPDES permit: Bis(2-ethylhexyl)phthalate, Cadmium, Chromium VI, 1,2-dichloroethane, Ethylbenzene, Lead, Selenium, Tetrachloroethylene, Toluene, and Toxaphene. It was also ordered that the contested effluent limits contained in Order No. 98-052 be vacated; that the respondents file a return (a revised NPDES permit) with the court by December 31, 2006; and that the stay of contested effluent limitations remain in effect until the return is served and filed by the Respondents with the Court.

III. FACILITY AND TREATMENT PROCESS DESCRIPTION

1. The City owns the Burbank WRP and contracts with United Water Services to operate the Burbank WRP, a tertiary wastewater treatment plant located at 740 North Lake Street, Burbank, California. Effective June 15, 2000, the street address changed from 2 West Chestnut Street to 740 North Lake Street. The reason for the change is that the Chestnut Street entrance to the plant was vacated and replaced with the Lake Street entrance. The Burbank WRP had a dry weather design capacity of 9.0 million gallons per day (MGD), and only discharged an average of 4.3 MGD from the WRP (the year 2004). However, with the completion of the new flow equalization basin project and related upgrades, the design capacity will increase to 12.5 MGD.

2. The Burbank WRP is part of the City of Los Angeles' integrated network of facilities, known as the North Outfall Sewer (NOS), which includes four treatment plants. The upstream treatment plants (Tillman WRP, Glendale WRP, and Burbank WRP) discharge solids to the Hyperion Treatment Plant. This system also allows biosolids, solids, and excess flows to be diverted from the upstream plants to the Hyperion Wastewater Treatment Plant for treatment and disposal. Figure 1 shows the vicinity map for the Burbank WRP.

3. The Burbank WRP serves a population of approximately 100,000 people. Flow to the plant consists of domestic, commercial and industrial wastewater. For fiscal year 2004, industrial wastewater represented less than 10% of the total flow to the plant. Discharges to the collection system from industry include discharges from the following significant industrial user categories: metal finishing (40 CFR Part 433), electroplating (40 CFR Part 413), nonferrous metal forming and metal powder (40 CFR Part 471), plastic molding and forming (40 CFR Part 463), rubber manufacturing (40 CFR Part 428), canned and preserved food processing (40 CFR Part 408), and meat product processing (40 CFR Part 432).

4. The United States Environmental Protection Agency (USEPA) and the Regional Board have classified Burbank WRP as a major discharger. It has a Threat to Water Quality and Complexity Rating of 1-A, pursuant to Section 2200, Title 23, CCR.

5. Pursuant to 40 CFR, Part 403, the Burbank WRP developed, and has been implementing, an industrial wastewater Pretreatment Program, which has been approved by USEPA and the Regional Board.

6. The treatment at the Burbank WRP currently consists of barscreen segregation of large solids for maceration and return to the treatment stream, primary sedimentation, nitrification/denitrification (NDN) activated sludge biological treatment, secondary sedimentation with coagulation, single media sand filtration, and chlorination with sodium hypochlorite and dechlorination with sodium bisulfite. No facilities are provided for solids processing at the Burbank WRP. Sewage solids separated from the wastewater are returned to the trunk sewer for conveyance to NOS for treatment and disposal. Figure 2 is a schematic of the Burbank WRP wastewater flow.

   A. *Primary sedimentation.* The main objective of primary sedimentation is to remove solids from the wastewater by gravity. The heavier solids (settleable solids) precipitate out and are scraped out of the primary sedimentation basin. The lighter solids float to the top and are skimmed off. However, some solids remain in suspension.

   B. *NDN Activated sludge.* The activated sludge process is a treatment system in which the incoming wastewater is mixed with existing biological floc (microorganisms, bugs, or activated sludge) in an aeration basin. Activated sludge converts non-settleable and dissolved organic contaminants into biological floc, which can then be removed from the wastewater with further treatment. The nitrification process converts ammonia nitrogen into nitrate plus nitrite nitrogen (inorganic nitrogen). The denitrification process converts the inorganic nitrogen into gaseous nitrogen, thus removing it from the wastewater.

   C. *Secondary sedimentation with coagulation.* The main objective of secondary sedimentation is to remove biological floc from the wastewater. Chemicals, such as aluminum sulfate (alum), may be added as part of the treatment process to enhance solids removal. Alum causes the biological floc to combine into larger clumps (coagulate). This makes it easier to

remove the floc.

D. *Single media sand filtration.* The filtration process is used to remove or reduce suspended or colloidal matter from a liquid stream, by passing the water through a bed of sand material. Filters remove the solids that the secondary sedimentation process did not remove, thus, improving the disinfection efficiency and reliability.

E. *Chlorination.* In the past, gaseous chlorine was used as a disinfectant in the Burbank WRP. However, gaseous chlorine was replaced by liquid sodium hypochlorite. Disinfectant is added to the treated effluent to destroy bacteria, pathogens and viruses.

F. *Dechlorination.* Prior to discharge, sodium bisulfite is added to the treated effluent to remove residual chlorine.

G. *Sludge.* No facilities are provided for solids processed at the plant. All sewage solids separated from the wastewater are returned to the trunk sewer for conveyance to the City's North Outfall Sewer (NOS), where treatment and disposal occur, under the Hyperion Wastewater Treatment Plant's NPDES permit, Order No. R4-2005-0020 (NPDES No. CA0109991).

In order to achieve compliance with the ammonia Basin Plan objectives, the City retrofitted the activated sludge treatment units at the Burbank WRP for NDN treatment. The NDN modifications were completed in June 2003.

Following the NDN upgrade, the City observed an improvement in water quality with respect to the nitrogen compound concentrations. Although the NDN improvements were not designed to reduce or remove priority pollutant concentrations, the City has coincidentally observed a reduction in the final effluent concentrations of some priority pollutants.

The City is considering the addition of a flow equalization basin, to regulate the plant's influent flows during peak hours and to run the plant's biological treatment process in a state of equilibrium.

7. **Water Recycling Facility.** In 2005, the Discharger recycled 1252.74 acre-feet (409.8 million gallons) of treated effluent from the Burbank WRP [50.3% (438 acre-feet) for irrigation and 49.7% (622.34 acre-feet) for cooling water supply] and discharged an average of 5.8 MGD from the Burbank WRP to Burbank Western Channel. The production, distribution and reuse of recycled water for direct, non-potable applications are presently regulated under Water Reclamation Requirements (WRR) Order No. 91-101, adopted by this Board on September 9, 1991, pursuant to California Water Code section 13523.

8. ***Storm Water Management.*** The City currently treats small quantities of storm water which falls on top of the uncovered aeration basins and other treatment units at the Burbank WRP. The City has filed a Notice of Intent to comply with State Board's General NPDES Permit No. CAS000001 and Waste Discharge Requirements for

Discharges of Storm Water Associated with Industrial Activities; has developed a Storm Water Pollution Prevention Plan (SWPPP) for storm water that does not enter the treatment system; and, has retained coverage under the General Industrial Storm Water permit. Stormwater runoff from the Burbank SPP, which is not contained or treated, would still be discharged to the Burbank Western Channel.

The industrial stormwater discharge from the Burbank SPP is not regulated under this individual NPDES permit, but is instead regulated under the Statewide General Stormwater Permit for Industrial Discharges.

IV. DISCHARGE OUTFALL AND RECEIVING WATER DESCRIPTION

1. The Burbank WRP discharges tertiary treated wastewater to the Burbank Western Channel, tributary to the Los Angeles River, waters of the United States, above the estuary, at the following discharge point:

   Discharge Serial No. 002: Discharge to the Burbank Western Channel near Burbank Boulevard (approximate coordinates: Latitude 34° 10' 58", Longitude 118° 18' 58").

   As mentioned in a previous finding, the Burbank SPP no longer discharges process wastewater into the Burbank Western Channel, through Discharge Serial No. 001: [former coordinates: Latitude 34° 10' 42", Longitude 118° 18' 44"].

2. During dry weather (May 1 – October 31), the primary sources of water flow in the receiving waters, downstream of the discharge points, are the Burbank WRP effluent and other NPDES-permitted discharges, including urban runoff conveyed through the municipal separate storm sewer systems (MS4). Storm water and dry weather urban runoff from MS4 are regulated under a NPDES permit, *Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles* (LA Municipal Permit), NPDES Permit No. CAS004001.

3. The Los Angeles County Flood Control District channelized portions of the Los Angeles River to convey and control floodwater, and to prevent damage to homes located adjacent to the river. Although not its main purpose, the Los Angeles River conveys treated wastewater along with floodwater, and urban runoff. The Burbank Western Channel is concrete lined at the points of discharge through its confluence with the Los Angeles River, however, the Los Angeles River is unlined further downstream of its confluence with the Burbank Western Channel, in what is known as the Glendale Narrows. Groundwater recharge occurs incidentally, in these unlined areas of the Los Angeles River. The Basin Plan lists a designated groundwater recharge (GWR) beneficial use in this reach. It is believed that this reach of the Los Angeles river was not lined because of groundwater upwelling. At times when the groundwater table is high, groundwater rises and contributes flow to the Los Angeles River. Natural springs feed the river and support willows, sycamores, and cottonwood trees. South of the Glendale Narrows, the Los Angeles River is concrete-lined down to Willow Street, in Long Beach.

4. The Los Angeles (LA) River watershed is one of the largest in the Region. It is also one of the most diverse in terms of land use patterns. The LA River drains a 824 square mile area. Approximately 324 square miles of the watershed are covered by forest or open space land including the area near the headwaters which originate in the Santa Monica, Santa Susana, and San Gabriel Mountains. The rest of the watershed is highly developed. The river flows through the San Fernando Valley past heavily developed residential and commercial areas. From the Arroyo Seco, north of downtown Los Angeles, to the confluence with the Rio Hondo, the river flows through industrial and commercial areas and is bordered by railyards, freeways, and major commercial and government buildings. From the Rio Hondo to the Pacific Ocean, the river flows through industrial, residential, and commercial areas, including major refineries and petroleum products storage facilities, major freeways, rail lines, and rail yards serving the Ports of Los Angeles and Long Beach.

   Major tributaries to the river in the San Fernando Valley are the Pacoima Wash, Tujunga Wash (both drain portions of the Angeles National Forest in the San Gabriel Mountains), Burbank Western Channel and Verdugo Wash (both drain the Verdugo Mountains). Due to major flood events at the beginning of the century, by the 1950's most of the river was lined with concrete. In the San Fernando Valley, there is a section of the river with a soft bottom at the Sepulveda Flood Control Basin. The Basin is a 2,150-acre open space upstream of the Sepulveda Dam designed to collect flood waters during major storms. Because the area is periodically inundated, it remains in a semi-natural condition and supports a variety of low-intensity uses as well as supplying habitat. At the eastern end of the San Fernando Valley, the river bends around the Hollywood Hills and flows through Griffith and Elysian Parks, in an area known as the Glendale Narrows. Since the water table was too high to allow laying of concrete, the river in this area has a rocky, unlined bottom with concrete-lined or rip-rap sides. This stretch of the river is fed by natural springs and supports stands of willows, sycamores, and cottonwoods. The many trails and paths along the river in this area are heavily used by the public for hiking, horseback riding, and bird watching.

V. DISCHARGE QUALITY DESCRIPTION

1. In 2005, the Discharger's discharge monitoring reports showed the following:

   - treated wastewater average annual flow rate of 5.8 mgd.
   - average annual removal rate of 98.8% and 98.6%, of BOD and total suspended solids, respectively.
   - Median and daily maximum coliform values as <2 Most Probable Number (MPN) / 100 ml in the treated wastewater.

2. Based on data submitted in the 2005 Annual report, Table 1 represents the characteristics of the effluent discharged at Discharge No. 002 . (The "<" symbol indicates that the pollutant was not detected (ND) at that concentration level.) Attachment D contains extensive statistical analyses of the effluent priority pollutants data from June 2003 to May 2006.

Table 1
Effluent Characteristics

Constituent	Unit	Average	Maximum	Minimum
Flow	mgd	5.8	8.2	4.1
pH	pH units	7.3	7.6	6.8
Temperature	°F	75	80	69
BOD_5 20°C	mg/L	4	5	3
Total coliform	MPN/100 mL			
Suspended solids	mg/L	2	3	2
Settleable solids	ml/L	<0.1	<0.1	<0.1

3. The Discharger's effluent demonstrated chronic toxicity during the last permit cycle. Based on this information, the Regional Board has determined that there is a reasonable potential that the discharge will cause toxicity in the receiving water. However, the circumstances warranting a numeric chronic toxicity effluent limitation when there is reasonable potential were under review by the State Water Resources Control Board (State Board) in SWRCB/OCC Files A-1496 & A-1496(a) [Los Coyotes/Long Beach Petitions]. On September 16, 2003, at a public hearing, the State Board adopted Order No. WQO 2003-0012, deferring the issue of numeric chronic toxicity effluent limitations until a subsequent phase of the SIP is adopted. In the mean time, the State Board replaced the numeric chronic toxicity limit with a narrative effluent limitation and a 1 TUc trigger, in the County Sanitation Districts of Los Angeles County's Long Beach and Los Coyotes WRP NPDES permits. This permit contains a similar chronic toxicity effluent limitation. This Order also contains a reopener to allow the Regional Board to modify the permit, if necessary, consistent with any new policy, law, or regulation.

VI. APPLICABLE LAWS, PLANS, POLICIES, AND REGULATIONS

The requirements contained in the proposed Order are based on the requirements and authorities contained in the following:

1. ***Federal Clean Water Act*** – Section 301(a) of the federal Clean Water Act (CWA) requires that point source discharges of pollutants to a water of the United States must be done in conformance with a NPDES permit. NPDES permits establish effluent limitations that incorporate various requirements of the CWA designed to protect water quality. CWA section 402 authorizes the USEPA or States with an approved NPDES program to issue NPDES permits. The State of California has an approved NPDES program.

2. ***Basin Plan*** – The Regional Board adopted a revised *Water Quality Control Plan for the Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) on June 13, 1994, and amended by various Regional Board resolutions. This updated and consolidated plan represents the Board's master quality control planning document and regulations. The State Board and the State of California Office of Administrative Law (OAL) approved the revised Basin Plan on November 17, 1994, and February 23, 1995, respectively. On May 26,

2000, the USEPA approved the revised Basin Plan except for the implementation plan for potential municipal and domestic supply (MUN) designated water bodies, which is not applicable to this discharge.

Ammonia Water Quality Objective (WQO). The 1994 Basin Plan contained water quality objectives for ammonia to protect aquatic life, in Tables 3-1 through Tables 3-4. However, those ammonia objectives were revised on April 25, 2002, by the Regional Board, with the adoption of Resolution No. 2002-011, Amendment to the Water Quality Control Plan for the Los Angeles Region to Update the Ammonia Objectives for Inland Surface Waters (including enclosed bays, estuaries and wetlands) with Beneficial Use designations for protection of Aquatic Life. Resolution No. 2002-011 was approved by the State Board, OAL, and USEPA on April 30, 2003, June 5, 2003, and June 19, 2003, respectively, and is now in effect. The final effluent limitations for ammonia prescribed in this Order are based on the *TMDL for Nitrogen Compounds and Related Effects* and apply at the end of pipe.

Chloride WQO The 1994 Basin Plan contained water quality objectives for chloride in Table 3-8. However, the chloride objectives for some waterbodies were revised on January 27, 1997, by the Regional Board, with the adoption of Resolution No. 97-02, *Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Policy for Addressing Levels of Chloride in Discharges of Wastewaters.* Resolution No. 97-02 was approved by the State Board, the Office of Administrative Law, and USEPA on October 23, 1997, January 9, 1998, and February 5, 1998, respectively, and are now in effect. The chloride WQO was revised from 150 mg/L to 180 mg/L, for the following segments of the Los Angeles River:

a. Between Sepulveda Flood Control Basin and Figueroa Street (including Burbank Western Channel only), and
b. Between Figueroa Street and the estuary (including Rio Hondo below Santa Ana Freeway only).

The final effluent limitations for chloride prescribed in this Order are based on the revised chloride WQOs and apply at the end of pipe.

The Basin Plan (i) designates beneficial uses for surface and groundwater, (ii) sets narrative and numerical objectives that must be attained or maintained to protect the designated (existing and potential) beneficial uses and conform to the State's antidegradation policy, and (iii) includes implementation provisions, programs, and policies to protect all waters in the Region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. The 1994 Basin Plan was prepared to be consistent with all State and Regional Board plans and policies adopted in 1994 and earlier. This Order implements the plans, policies, and provisions of the Board's Basin Plan.

3. ***Sources of Drinking Water Policy.*** On May 19, 1988, the State Board adopted Resolution No. 88-63, *Sources of Drinking Water (SODW) Policy*, which established a policy that all surface and ground waters, with limited exemptions, are suitable or

potentially suitable for municipal and domestic supply. To be consistent with State Board's SODW policy, on March 27, 1989, the Regional Board adopted Resolution No. 89-03, Incorporation of Sources of Drinking Water Policy into *the Water Quality Control Plans (Basin Plans) – Santa Clara River Basin (4A)/ Los Angeles River Basin (4B).*

4. ***Potential Municipal and Domestic Supply (P* MUN)*** – Consistent with Regional Board Resolution No. 89-03 and State Board Resolution No. 88-63, in 1994 the Regional Board conditionally designated all inland surface waters in Table 2-1 of the 1994 Basin Plan as existing, intermittent, or potential for Municipal and Domestic Supply (P* MUN). However, the conditional designation in the 1994 Basin Plan included the following implementation provision: "no new effluent limitations will be placed in Waste Discharge Requirements as a result of these [potential MUN designations made pursuant to the SODW policy and the Regional Board's enabling resolution] until the Regional Board adopts [a special Basin Plan Amendment that incorporates a detailed review of the waters in the Region that should be exempted from the potential MUN designations arising from SODW policy and partial approval (May 26, 2000) of the 1994 Basin Plan amendments and acknowledged that the conditional designations do not currently have a legal effect, do not reflect new water quality standards subject to USEPA review, and do not support new effluent limitations based on the conditional designations stemming from the SODW Policy until a subsequent review by the Regional Board finalizes the designations for these waters. This permit is designed to be consistent with the existing Basin Plan.

5. ***State Implementation Plan (SIP) and California Toxics Rule (CTR).*** The State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (also known as the State Implementation Plan or SIP) on March 2, 2000. The SIP was amended by Resolution No. 2000-30, on April 26, 2000, and the Office of Administrative Law approved the SIP on April 28, 2000. The SIP applies to discharges of toxic pollutants in the inland surface waters, enclosed bays and estuaries of California which are subject to regulation under the State's Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) and the Federal Clean Water Act (CWA). This policy also establishes the following:

   A. Implementation provisions for priority pollutant criteria promulgated by USEPA through the CTR and for priority pollutant objectives established by Regional Boards in their Basin Plans;

   B. Monitoring requirements for priority pollutants with insufficient data to determine reasonable potential;

   C. Monitoring requirements for 2, 3, 7, 8 – TCDD equivalents; and,

   D. Chronic toxicity control provisions.

   The CTR became effective on May 18, 2000 (codified as 40 CFR, Part 131.38). The SIP (which implements CTR criteria) was revised by the State Board on

February 24, 2005, and became effective on May 31, 2005. Toxic pollutant limits are prescribed in this Order to implement the CTR, the SIP, and the Basin Plan.

In the CTR, USEPA promulgated criteria that protects the general population at an incremental cancer risk level of one in a million (10^{-6}), for all priority toxic pollutants regulated as carcinogens. USEPA recognizes that adoption of a different risk factor is outside of the scope of the CTR. However, states have the discretion to adopt water quality criteria that result in a higher risk level, if it can demonstrate that the chosen risk level is adequately protective of the most highly exposed subpopulation, and has completed all necessary public participation. This demonstration has not happened in California. Further, the information that is available on highly exposed subpopulations in California supports the need to protect the general population at the 10^{-6} level. The Discharger may undertake a study, in accordance with the procedures set forth in Chapter 3 of USEPA's Water Quality Standards Handbook: Second Edition (EPA-823-B-005a, August 1994) to demonstrate that a different risk factor is more appropriate. Upon completion of the study, the State Board will review the results and determine if the risk factor needs to be changed. In the mean time, the State will continue using a 10^{-6} risk level, as it has done historically, to protect the population against carcinogenic pollutants.

6. ***Alaska Rule***. On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal water quality standards (WQS) become effective for CWA purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under USEPA's new regulation (also known as the *Alaska rule*), new and revised standards submitted to USEPA after May 30, 2000, must be approved before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by EPA.

7. ***Beneficial Uses***. The Basin Plan contains water quality objectives and beneficial uses for Burbank Western Channel, the Los Angeles River, and its contiguous waters.

   A. The beneficial uses of the receiving surface water are:

Burbank Western Channel - Hydrologic Unit 405.21	
Intermittent:	non-contact water recreation, and
Potential:	municipal and domestic water supply (MUN)[1] , water contact recreation[2], warm freshwater habitat, and wildlife habitat.
Los Angeles River (upstream of Figueroa Street) - Hydrologic Unit 405.21	
Existing:	groundwater recharge, water contact recreation and non-contact recreation, warm freshwater habitat, wildlife habitat, and wetland habitat.

[1] The potential MUN beneficial use for the water body is consistent with Regional Board Resolution 89-03; however the Regional Board has only conditionally designated the MUN beneficial uses and at this time cannot establish effluent limitations designed to protect the conditional designation.

Potential:	MUN[1], and industrial process supply.
Los Angeles River (downstream of Figueroa Street) - Hydrologic Unit 405.15	
Existing:	groundwater recharge, water contact[2] recreation and non-contact recreation, and warm freshwater habitat.
Potential:	MUN[1], and industrial process supply.
Los Angeles River to Estuary - Hydrologic Unit 405.12	
Existing:	groundwater recharge, water contact[2] recreation and non-contact water recreation, warm freshwater habitat, marine habitat, wildlife habitat, and rare, threatened, or endangered species.
Potential:	MUN[1], industrial service supply, industrial process supply, migration of aquatic organisms, spawning, reproduction, and/or early development, and shellfish harvesting.
Los Angeles River Estuary - Hydrologic Unit 405.12	
Existing:	industrial service supply, navigation, water contact[2] recreation and non-contact water recreation, commercial and sport fishing, estuarine habitat, marine habitat, wildlife habitat, rare, threatened, or endangered species, migration of aquatic organisms, spawning, reproduction, and/or early development, and wetland habitat.
Potential:	shellfish harvesting.

B. The beneficial uses of the groundwater are:

San Fernando Basin (East of Highway 405 overall) - DWR Basin No. 4-12	
Existing:	municipal and domestic supply, industrial service supply; industrial process supply; and, agricultural supply.
Los Angeles Coastal Plain (Central Basin) – DWR Basin No. 4-11	
Existing:	municipal and domestic supply, industrial service supply; industrial process supply; and, agricultural supply.
Los Angeles Coastal Plain (West Coast Basin) – DWR Basin No. 4-11	
Existing:	municipal and domestic supply, industrial service supply; industrial process supply; and, agricultural supply.

C. The requirements in this Order are intended to protect designated beneficial uses and enhance the water quality of the watershed. Effluent limits must protect both existing and potential beneficial uses.

D. Consistent with Regional Board Resolution No. 89-003 and State Board Resolution No. 88-63, all inland surface waters in Table 2-1 of the 1994 Basin Plan are designated existing, intermittent, or potential for MUN.

[2] Access is prohibited by Los Angeles County DPW.

8. ***Title 22 of the California Code of Regulations*** - The California Department of Health Services established primary and secondary maximum contaminant levels (MCLs) for inorganic, organic, and radioactive contaminants in drinking water. These MCLs are codified in Title 22, California Code of Regulations (Title 22).

The Basin Plan (Chapter 3) incorporates Title 22 primary MCLs by reference. This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. Title 22 primary MCLs have been used as bases for effluent limitations in WDRs and NPDES permits to protect the groundwater recharge beneficial use when that receiving groundwater is designated as MUN. Also, the Basin Plan specifies that "Ground waters shall not contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses." Therefore the secondary MCL's, which are limits based on aesthetic, organoleptic standards, are also incorporated into this permit to protect groundwater quality.

MCL Development Process - Health and Safety Code §116365(a) requires the Department of Health Services (DHS), while placing primary emphasis on the protection of public health, to establish a contaminant's maximum contaminant level (MCL) at a level as close as is technically and economically feasible to its public health goal (PHG). The PHG—established by Ca/EPA's Office of Environmental Health Hazard Assessment (OEHHA)—is the contaminant's concentration in drinking water that does not pose any significant risk to health, derived from a human health risk assessment.

As part of the MCL process, DHS evaluates the technical and economic feasibility of regulating a chemical contaminant. Technical feasibility includes an evaluation of commercial laboratories' ability to analyze for and detect the chemical in drinking water, the costs of monitoring, and the costs of treatment required to remove it. Costs are required by law to be considered whenever MCLs are adopted.

Then, the proposed MCL moves through a formal regulatory process. DHS releases proposed regulations for a 45-day public comment period. If any "Post-hearing" changes made in response to comments, DHS subsequently provides an additional 15-day public comment period. Once DHS completes its process, it submits the regulation package, including responses to public comments, to the Office of Administrative Law (OAL). OAL has 30 working days to review the regulation and approve or reject it. If approved by OAL, it is filed with the Secretary of State, becoming effective in 30 calendar days.

Groundwater Recharge. Sections of the Los Angeles River, downstream of the Burbank WRP discharge point, is designated as GWR. The depth of groundwater below the Burbank WRP is approximately 100 feet below ground surface. Surface water from the Los Angeles River enters the San Fernando Valley and the Central Los Angeles Coastal Plain Groundwater Basins. Since ground water from these Basins is used to provide drinking water to people, Title 22-based limits are needed to protect that drinking water supply. By limiting the contaminants in the Burbank WRP discharge, the amount of pollutants entering the surface waters and groundwater basins are correspondingly reduced. Once groundwater basins